

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

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:  
SCOTT and RHONDA BURNETT, :  
RYAN HENDRICKSON, JEROD :  
BREIT, SCOTT TRUPIANO, :  
JEREMY KEEL, SHELLY DREYER, :  
HOLLEE ELLIS, and FRANCES :  
HARVEY on behalf of :  
themselves and all others :  
similarly situated, :  
:  
Plaintiffs, : Case No.  
:  
v. : 4:19-cv-00332-SRB  
:  
THE NATIONAL ASSOCIATION OF :  
REALTORS, REALOGY HOLDINGS :  
CORP., HOMESERVICES OF :  
AMERICA, INC., BHH :  
AFFILIATES, LLC, HSF :  
AFFILIATES, LLC, RE/MAX :  
LLC, and KELLER WILLIAMS :  
REALTY, INC. :  
:  
Defendants. :  
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Thursday, July 21, 2022

Video Deposition of DAVID STEVENS,  
taken at the Law Offices of Foley & Lardner LLP,  
3000 K Street NW Suite 600, Washington, D.C.,  
beginning at 9:10 a.m., before Ryan K. Black, a  
Registered Professional Reporter, Certified  
Livenote Reporter and Notary Public.

1           Go ahead, if you know.

2           THE WITNESS:   The -- the nation was  
3   filled with builders and communities that would  
4   restrict access to "whites-only home buyers,"  
5   And that included the infamous Levittown in  
6   New York, which had very public pronounced  
7   advertisements and billboards saying -- that  
8   specifically stated "whites only." But it was  
9   much deeper than that. We call it "Redlining"  
10   for short, where, literally, even the FHA would  
11   not provide financing to minorities in certain  
12   communities.

13           (Exhibit No. 1684, a document titled NAR  
14   President Charlie Oppler Apologizes for Past  
15   Policies that Contributed to Racial Inequality,  
16   was introduced electronically.)

17   BY MR. KETCHMARK:

18           Q.    I'm showing you what's been marked as  
19   Exhibit Number 1684.

20           MR. FADLER:   Sorry.

21           MR. VARON:   That's okay.

22   BY MR. KETCHMARK:

23           Q.    Do you see that across the top where you  
24   have --

25           MR. VARON:   Can -- can you just slow

1 down for a second?

2 MR. KETCHMARK: No. You can object if  
3 you want, but, no, I'm not going to slow down.

4 BY MR. KETCHMARK:

5 Q. Do you see across the top where  
6 it states, "NAR President, Charlie Oppler,  
7 apologizes for past policies that contribute to  
8 racial in -- inequality." Do you see that?

9 A. Yes.

10 Q. And you see the date of November 19th,  
11 2020?

12 A. Yes.

13 Q. And it states in here, in the first  
14 paragraph -- and this is from the National  
15 Association of Realtors. You see that?

16 A. Yes.

17 Q. It states in the first paragraph that  
18 "The newly installed National Association of  
19 Realtors President, Charlie Oppler, issued a  
20 formal apology Thursday for the Association's  
21 past policies that contributed to segregation  
22 and racial inequality in America."

23 Do you see that?

24 A. Yes.

25 Q. He states, "What realtors did was an

1     outrage to our morals and our ideals." Do you  
2     see that?

3             A.     Yes.

4             Q.     He states that "NAR initially opposed  
5     the passage of the Fair Housing Act in 1968, and  
6     at one time allowed the exclusion of members  
7     based on race or sex." Do you see that?

8             A.     Yes.

9             Q.     He acknowledges that this discrimination  
10    was part of the systematic policy of residential  
11    racial segregation. Do you see that?

12            A.     Yes.

13            Q.     And he says that one of the groups it  
14    was led by was the real estate industry, and it  
15    drove practices like redlining that you've just  
16    spoken about, correct?

17            A.     Correct. As stated in this document,  
18    yeah.

19            Q.     And on the next page, he says that  
20    "These racist policies that NAR had supported,  
21    that you can actually see in our neighborhoods  
22    the imprints of redlining from 80 years ago."  
23    You can still see that.

24                   MR. VARON: Object to the form.

25                   THE WITNESS: Yes.

1 BY MR. KETCHMARK:

2 Q. That's what he says, right?

3 MR. VARON: Not all of it. And not your  
4 testifying about it.

5 MR. KETCHMARK: Knock it off. You can  
6 make objections to form, but you're not allowed  
7 to make --

8 MR. VARON: Okay.

9 MR. KETCHMARK: -- speaking objections.  
10 You know that.

11 BY MR. KETCHMARK:

12 Q. It says, "Many of these discriminatory  
13 practices denied the opportunities for families  
14 to pass on wealth." Do you see that?

15 A. Yes.

16 Q. And you would agree with that, that --  
17 that -- that discrimin -- the discriminatory  
18 history that existed in our country has made it  
19 difficult for minority groups or African American  
20 families to pass on wealth from generation to  
21 generation, because they don't have it in housing  
22 as much as white people do, right?

23 A. I think the subject of intergenerational  
24 wealth challenge is absolutely valid. I haven't  
25 read this entire document, so I'm not saying that

1 correlates completely with this document, but,  
2 nevertheless, the point -- yes.

3 Q. Do you want to read it? It's not very  
4 long.

5 A. Sure.

6 Q. Have you had a chance to read that?

7 A. Yes.

8 Q. So my question was whether or not you  
9 would agree that the discriminatory history that  
10 existed in -- in our country in the housing  
11 market has made it difficult for minority groups,  
12 and particularly African American families now,  
13 to pass on wealth from generation to generation  
14 because they don't have it built up in home  
15 equity as much as white families do, correct?

16 A. I would say that's a contributing  
17 factor. Not the only one.

18 Q. And one of the things that I see in your  
19 report is you state that it's your belief that  
20 this unilateral -- this mandatory rule that  
21 requires unilateral offer of compensation to pay  
22 the buyer's broker's commission, that that helps  
23 close that -- that -- that inequality gap that --  
24 that -- that exists in -- with minority home  
25 buyers, correct?

1           A.     I didn't state that.

2           Q.     You say --

3           A.     I say the absence of it --

4           Q.     Okay.

5           A.     -- and requiring the buyer to have to  
6 pay that compensation would, likely, widen the  
7 gap.

8           Q.     Well, the inverse of that, then, would  
9 be true, that -- that the -- that the mandatory  
10 rule requiring it is helping close the gap.

11          A.     Not true.

12          Q.     Why?

13          A.     Because the status quo isn't the best  
14 -- isn't the best outcome for the long-term.

15          Q.     Okay.

16          A.     However, the status quo could be  
17 worsened by putting into effect new rules that  
18 would actually make the gap wider.

19          Q.     So by having this rule, the gap isn't as  
20 wide as it would be if the rule didn't exist, is  
21 your opinion?

22          A.     Yes. That's my opinion.

23          Q.     Is it fair to -- to -- you understand  
24 that I'm representing the half a million or so  
25 Missourians who have sold homes over the -- the



1 past seven years. You understand that?

2 A. Absolutely.

3 Q. Do you think it's fair to make my  
4 clients pay for the sins of -- of -- of the  
5 National Association of Realtors' past?

6 A. I don't think the clients are, and I  
7 don't think that's the point of my response to  
8 the Minor expert witness document.

9 Q. Okay. Well, we'll set the -- you --  
10 your response to the Minor witness document  
11 aside. Right now I'm focused on this particular  
12 issue.

13 Do you -- sir, you would agree that it's  
14 not fair to require home sellers to pay for the  
15 buyer's commission just so that this inequality  
16 gap can be -- can be not as wide; that that would  
17 be a -- a fair reason, if you have to have one?

18 MR. VARON: Object to the form.

19 THE WITNESS: I -- I -- I just think  
20 it's unrelated. I'm not sure where you're going  
21 with this, but I think it's unrelated.

22 BY MR. KETCHMARK:

23 Q. Well, you don't have to worry where I'm  
24 going with it. That's my job, not yours. You  
25 just have to answer my questions, okay?

1           A.     It's unrelated, in my view.

2           Q.     What's unrelated?

3           A.     The commission's going to get paid one  
4 way or the other, and the question is in what  
5 form. Is it -- it -- does it facilitate  
6 opportunity for first-time home buyers to buy  
7 a home. And, in my view, the current process  
8 facilitates it far better than the Minor  
9 approach.

10          Q.     Because if -- for example, if there was  
11 a -- a fund that was there to pay for qualified  
12 minority home buyers who were cash-constrained  
13 and didn't have money and -- and had -- they  
14 needed help with coming up with money for the  
15 buyer's commission, if a fund was available for  
16 that, that would be -- that would be a great way  
17 to -- to cover those costs. Would you agree with  
18 that?

19          A.     That would certainly be an opportunity,  
20 if it existed.

21          Q.     And, for example, instead of just  
22 putting words on a piece of paper and saying  
23 they're sorry, the National Association of  
24 Realtors could take some of their money and  
25 establish that type of fund, right?

1 MR. VARON: Object to the form.

2 THE WITNESS: I can't speak for the  
3 realtors.

4 BY MR. KETCHMARK:

5 Q. Well, they could do that, right?

6 MR. VARON: Object to the form.

7 Go ahead.

8 THE WITNESS: They could. The State of  
9 Missouri could. That's a Missouri --

10 BY MR. KETCHMARK:

11 Q. I'm not asking about the State of  
12 Missouri. I'm asking you about the client who's  
13 paying your bill, --

14 MR. VARON: Counsel, --

15 BY MR. KETCHMARK:

16 Q. -- who's admitted that they have a  
17 history of racism.

18 MR. VARON: -- he's responding.

19 MR. KETCHMARK: That's not an objection.

20 BY MR. KETCHMARK:

21 Q. First of all, do you understand I'm not  
22 asking you about the State of Missouri?

23 A. Yeah. I mean, certainly, anybody who  
24 would provide those funds, certainly, that could  
25 help.

1 Q. And so, for example, somebody when they  
2 say, look, we contributed to this problem because  
3 of our history of racism and are opposing the  
4 Fair Housing Act, that would be the type of  
5 organization that could take some of their money  
6 and put it into a fund to alleviate the problems  
7 that -- that -- that the history of racism  
8 caused, right?

9 A. That would certainly be an option.

10 Q. It'd be a good option, right?

11 A. It would be one of many, but not -- it  
12 wouldn't cover it as a national solution.

13 Q. How about if -- I mean, Keller Williams  
14 could pull some of their money and toss it into  
15 that fund, right?

16 A. If they had profits and they were able  
17 to do so, certainly, but it wouldn't be a  
18 nationality solution.

19 Q. It would help, though.

20 A. It could help.

21 Q. I mean, it would help, wouldn't it?

22 A. It depends on the degree of the funds  
23 collected, --

24 Q. A lot of money.

25 A. -- how it was set up, --

1 Q. A lot of money. Billions of dollars.

2 A. -- what kind of borrower -- what kind of  
3 home buyers had access to it.

4 Q. Minority home buyers.

5 A. Just minorities?

6 Q If -- if they're trying to do it to --  
7 to alleviate --

8 A. So you would exclude white borrowers who  
9 were first time home buyers who also don't have  
10 the wherewithal to buy a home?

11 Q. It's up to them. But right now --

12 A. So it's up to them?

13 Q. -- right now your focus is on the  
14 minority home buyers. That's what you focus on.

15 A. I focus on first-time home buyers and  
16 minority home buyers in my report.

17 Q. So then let's do both. They could do it  
18 for both, right?

19 MR. VARON: Object to the form.

20 Go ahead.

21 THE WITNESS: Certainly. As could a  
22 whole lot of other sources.

23 BY MR. KETCHMARK:

24 Q. How about just the defendants who were  
25 -- participated in NAR that supported these

1 racist policies. Those folks could do it, right?

2 MR. VARON: Object to the form. Facts  
3 not in evidence.

4 Go ahead.

5 THE WITNESS: They could, but that's not  
6 a solution.

7 BY MR. KETCHMARK:

8 Q. Okay.

9 A. It could help, but it's not a solution.

10 Q. Now, one of the things that you  
11 -- you're focusing is on cash-constrained  
12 first-time home buyers, correct?

13 A. That's one of the things, yes.

14 Q. But now when one of the people who are  
15 members of this class, when they sell their home  
16 and they go to buy a second home, they need to  
17 have cash for that second purchase, as well,  
18 correct?

19 A. Correct.

20 Q. And you've already acknowledged as part  
21 of your report and your opinions in this case,  
22 I mean, you certainly know that when the buyers  
23 agent's commission's being paid, let's call it a  
24 3 percent commission for purposes of this  
25 discussion, when that commission's being paid,

## C E R T I F I C A T E

I do hereby certify that I am a Notary Public in good standing, that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 28th day of July, 2022.



Notary Public